

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DATANET LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. 22-cv-1545

MINUTE ORDER SETTING
TRIAL DATE AND RELATED
DEADLINES

JURY TRIAL DATE (7 to 10 days)

December 9, 2024

Statement of asserted claims and preliminary infringement
contentions due

June 29, 2023

Statement of preliminary non-infringement and invalidity
contentions due

July 31, 2023

Deadline for joining additional parties

August 8, 2023

Parties to exchange preliminary proposed constructions
of disputed claim terms and provide list of proposed
extrinsic evidence

September 18, 2023

Joint Claim Construction and Prehearing Statement due

November 1, 2023

1	Parties to disclose reports from expert witnesses, if any,	November 1, 2023
2	regarding <u>Markman</u> issues	
3	Parties to disclose rebuttal expert reports, if any,	December 1, 2023
4	regarding <u>Markman</u> issues	
5	Deadline for completion of claim construction discovery and for	December 21, 2023
6	amending pleadings	
7	Opening claim construction briefs filed by	December 26, 2023
8	(and noted for the date that the responsive claim	
9	construction briefs are due)	
10	Responsive claim construction briefs filed by	January 10, 2024
11	Technology tutorial at 09:00 AM on	January 30, 2024
12	<u>Markman</u> hearing at 09:00 AM on	February 13, 2024
13	Reports from expert witnesses under FRCP 26(a)(2) due	April 5, 2024
14	Rebuttal expert reports due	May 6, 2024
15	All discovery motions must be filed by	May 16, 2024
16	(and noted on the motion calendar no later than the third	
17	Friday thereafter)	
18	Discovery completed by	June 13, 2024
19	All dispositive motions must be filed by	August 15, 2024
20	(and noted on the motion calendar no later than the	
21	fourth Friday thereafter; <u>see</u> LCR 7(d))	
22	All motions related to expert witnesses	August 22, 2024
23	(<u>e.g.</u> , Daubert motion) must be filed by	
24	and noted on the motion calendar no later	
25	than the third Friday thereafter (see LCR 7(d))	
26	Settlement conference per LCR 39.1(c)(2) held no later than	September 9, 2024
27	All motions <i>in limine</i> must be filed by	November 7, 2024
28	(and noted on the motion calendar for the Friday before	
29	the Pretrial Conference)	
30	Agreed pretrial order due	November 22, 2024

1 Trial briefs, proposed voir dire questions, proposed jury November 22, 2024
2 instructions, and trial exhibits due

3 Pretrial Conference at 09:00 AM on November 27, 2024

4 These dates are set at the direction of the Court after reviewing the joint status
5 report and discovery plan submitted by the parties. All other dates are specified in the
6 Local Civil Rules and Local Patent Rules. These are firm dates that can be changed only
7 by order of the Court, not by agreement of counsel or the parties. The Court will alter
8 these dates only upon good cause shown: failure to complete discovery within the time
9 allowed is not recognized as good cause.

10 If the Markman hearing or trial dates assigned to this matter create an
11 irreconcilable conflict, counsel must notify Grant Cogswell, Deputy Clerk, at
12 Grant_Cogswell@wawd.uscourts.gov, within 14 days of the date of this Minute Order
13 and explain the exact nature of the conflict. A failure to do so will be deemed a waiver.
14 Counsel must be prepared to begin trial on the date scheduled, but should understand that
15 the trial might have to await the completion of other cases.

16 Claim Construction (Markman) Hearing

17 The claim construction hearing will be set for a half-day (2.5 hours). If more or
18 less time is required, the parties are instructed to inform Grant Cogswell at
19 Grant_Cogswell@wawd.uscourts.gov.

20 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues
21 of claim construction prior to the Markman Hearing unless special circumstances warrant
22 doing so and leave of Court is obtained in advance of filing.

Exhibits

The parties must send one copy of their respective exhibits to be used at the Markman Hearing and/or trial to Grant Cogswell, Courtroom Deputy, five (5) days before the Markman hearing and/or trial date. Each exhibit must be clearly marked on the face of the exhibit. Each set of exhibits must be submitted in a three-ring binder with appropriately numbered tabs. The Court alters the LCR 16.1 procedure for numbering exhibits as follows: Plaintiff's exhibits should be numbered consecutively beginning with 1; Defendant's exhibits should include the prefix "A" and should be numbered consecutively beginning with A-1. Duplicate documents should not be listed twice. Once a party has identified an exhibit in the pretrial order, any party may use it.

In addition, no later than seven (7) days before the Markman hearing and/or trial date, the parties should send an electronic copy of all exhibits in .PDF format with Optical Character Recognition ("OCR") searchable text to Grant Cogswell, Courtroom Deputy. The parties should notify the court of any physical objects or files that cannot be transmitted electronically. Exhibits must be marked as described above, and the following protocols also apply: (1) Electronic exhibits must be transmitted individually (i.e., one exhibit per file), but exhibits may have multiple pages; (2) Exhibit file names should match the descriptions listed on the joint exhibit list as closely as possible except that file names should not exceed 80 characters, e.g., Ex. 1 – Accident Scene Photo; Ex. A-1 – Email dated 4-03-23.

Settlement

Should this case settle, counsel shall notify Grant Cogswell, Deputy Clerk, at
Grant_Cogswell@wawd.uscourts.gov, as soon as possible.

Dated this 14th day of June, 2023.

Ravi Subramanian
Clerk

s/ Martin J Valencia
Deputy Clerk